

proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 59, H. Con. Res. 181, H. Res. 329, H. Res. 289, H. Res. 294, H.R. 2977, H.R. 2894, S. 775, S. 571, and H.R. 3339.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### SPOKANE TRIBE OF INDIANS OF THE SPOKANE RESERVATION GRAND COULEE DAM EQUITABLE COMPENSATION SETTLEMENT ACT

Miss McMORRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1797) to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

The Clerk read as follows:

H.R. 1797

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) from 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost;

(2) under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), when licenses are issued involving tribal land within an Indian reservation, a reasonable annual charge shall be fixed for the use of the land, subject to the approval of the Indian tribe having jurisdiction over the land;

(3) in August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site;

(4) had the Columbia Basin Commission or a private entity developed the site, the Spokane Tribe would have been entitled to a reasonable annual charge for the use of its land;

(5) in the mid-1930s, the Federal Government, which is not subject to licensing under the Federal Power Act (16 U.S.C. 792 et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam;

(6) when the Grand Coulee Dam project was federalized, the Federal Government recognized that—

(A) development of the project affected the interests of the Spokane Tribe and the Confederated Tribes of the Colville Reservation; and

(B) it would be appropriate for the Spokane and Colville Tribes to receive a share of rev-

enue from the disposition of power produced at Grand Coulee Dam;

(7) in the Act of June 29, 1940 (16 U.S.C. 835d et seq.), Congress—

(A) granted to the United States—

(i) in aid of the construction, operation, and maintenance of the Columbia Basin Project, all the right, title, and interest of the Spokane Tribe and Colville Tribes in and to the tribal and allotted land within the Spokane and Colville Reservations, as designated by the Secretary of the Interior from time to time; and

(ii) other interests in such land as required and as designated by the Secretary for certain construction activities undertaken in connection with the project; and

(B) provided that compensation for the land and other interests was to be determined by the Secretary in such amounts as the Secretary determined to be just and equitable;

(8) pursuant to that Act, the Secretary paid—

(A) to the Spokane Tribe, \$4,700; and

(B) to the Confederated Tribes of the Colville Reservation, \$63,000;

(9) in 1994, following litigation under the Act of August 13, 1946 (commonly known as the "Indian Claims Commission Act" (60 Stat. 1049, chapter 959; former 25 U.S.C. 70 et seq.)), Congress ratified the Colville Settlement Agreement, which required—

(A) for past use of the Colville Tribes' land, a payment of \$53,000,000; and

(B) for continued use of the Colville Tribes' land, annual payments of \$15,250,000, adjusted annually based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration;

(10) the Spokane Tribe, having suffered harm similar to that suffered by the Colville Tribes, did not file a claim within the Indian Claims Commission Act's 5-year statute of limitations;

(11) neither the Colville Tribes nor the Spokane Tribe filed claims for compensation for use of their land with the Commission before August 13, 1951, but both Tribes filed unrelated land claims prior to August 13, 1951;

(12) in 1976, over objections by the United States, the Colville Tribes were successful in amending their 1951 Claims Commission land claims to add their Grand Coulee claim;

(13) the Spokane Tribe had no such claim to amend, having settled its Claims Commission land claims with the United States in 1967;

(14) the Spokane Tribe has suffered significant harm from the construction and operation of Grand Coulee Dam;

(15) Spokane tribal acreage taken by the United States for the construction of Grand Coulee Dam equaled approximately 39 percent of Colville tribal acreage taken for construction of the dam;

(16) the payments and land transfers made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam; and

(17) by vote of the Spokane tribal membership, the Spokane Tribe has resolved that the payments and land transfers made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane Tribal land for the production of hydropower at Grand Coulee Dam.

#### SEC. 3. PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe for the use of its land for the generation of hydropower by the Grand Coulee Dam.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Bonneville Power Administration or the head of any successor agency, corporation, or entity that markets power produced at Grand Coulee Dam.

(2) COLVILLE SETTLEMENT AGREEMENT.—The term "Colville Settlement Agreement" means the Settlement Agreement entered into between the United States and the Colville Tribes, signed by the United States on April 21, 1994, and by the Colville Tribes on April 16, 1994, to settle the claims of the Colville Tribes in Docket 181-D of the Indian Claims Commission, which docket was transferred to the United States Court of Federal Claims.

(3) COLVILLE TRIBES.—The term "Colville Tribes" means the Confederated Tribes of the Colville Reservation.

(4) COMPUTED ANNUAL PAYMENT.—The term "Computed Annual Payment" means the payment calculated under paragraph 2.b. of the Colville Settlement Agreement, without regard to any increase or decrease in the payment under section 2.d. of the agreement.

(5) CONFEDERATED TRIBES ACT.—The term "Confederated Tribes Act" means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (108 Stat. 4577).

(6) FUND.—The term "Fund" means the Spokane Tribe of Indians Settlement Fund established by section 5.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) SPOKANE BUSINESS COUNCIL.—The term "Spokane Business Council" means the governing body of the Spokane Tribe under the constitution of the Spokane Tribe.

(9) SPOKANE TRIBE.—The term "Spokane Tribe" means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

#### SEC. 5. SETTLEMENT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States an interest-bearing trust fund to be known as the "Spokane Tribe of Indians Settlement Fund", consisting of—

(1) amounts deposited in the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund.

(b) DEPOSITS.—From amounts made available under section 11—

(1) for fiscal year 2006, the Secretary shall deposit in the Fund \$17,800,000; and

(2) for each of the 4 fiscal years thereafter, the Secretary shall deposit in the Fund \$12,800,000.

(c) MAINTENANCE AND INVESTMENT OF FUND.—The Fund shall be maintained and invested by the Secretary in accordance with the Act of June 24, 1938 (25 U.S.C. 162a).

(d) PAYMENT OF FUNDS TO SPOKANE BUSINESS COUNCIL.—

(1) REQUEST.—At any time after funds are deposited in the Fund, the Spokane Business Council may submit to the Secretary written notice of the adoption by the Spokane Business Council of a resolution requesting that the Secretary pay all or a portion of the amounts in the Fund to the Spokane Business Council.

(2) PAYMENT.—Not later than 60 days after receipt of a notice under paragraph (1), the Secretary shall pay the amount requested to the Spokane Business Council.

(e) USE OF FUNDS.—

(1) CULTURAL RESOURCE REPOSITORY AND INTERPRETIVE CENTER.—

(A) IN GENERAL.—Of the initial deposit under subsection (b)(1), \$5,000,000 shall be used by the Spokane Business Council for the planning, design, construction, equipping, and continuing operation and maintenance of a Cultural Resource Repository and Interpretive Center to—

(i) house, preserve, and protect the burial remains, funerary objects, and other cultural resources affected by the operation of the Grand Coulee Dam; and

(ii) provide an interpretive and educational facility regarding the culture and history of the Spokane Tribe.

(B) EFFECT.—The funding under subparagraph (A) does not alter or affect any authority, obligation, or responsibility of the United States under—

(i) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(ii) the Archaeological Resources Protection Act (16 U.S.C. 470aa et seq.);

(iii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

(iv) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) OTHER USES.—Of all other amounts deposited in the Fund (including interest generated on those amounts)—

(A) 25 percent shall be—

(i) reserved by the Spokane Business Council; and

(ii) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

(B) 75 percent shall be used by the Spokane Business Council to carry out—

(i) resource development programs;

(ii) credit programs;

(iii) scholarship programs; or

(iv) reserve, investment, and economic development programs.

#### SEC. 6. PAYMENTS BY THE ADMINISTRATOR.

(a) INITIAL PAYMENT.—On March 1, 2007, the Administrator shall pay the Spokane Tribe—

(1) the amount that is equal to 29 percent of the Computed Annual Payment for fiscal year 2005, adjusted to reflect the change in the Consumer Price Index for all urban consumers published by the Department of Labor, from the date on which the payment for fiscal year 2005 was made to the Colville Tribes to the date on which payment is made to the Spokane Tribe under this subparagraph; and

(2) the amount that is equal to 29 percent of the Computed Annual Payment for fiscal year 2006.

(b) SUBSEQUENT PAYMENTS.—On or before March 1, 2008, and March 1 of each year thereafter through 2033, the Administrator shall pay the Spokane Tribe the amount that is equal to 29 percent of the Computed Annual Payment for the previous fiscal year.

(c) PAYMENT RECOVERY.—Pursuant to the payment schedule in subsection (b), the Administrator shall make commensurate cost reductions in expenditures on an annual basis to recover each payment to the Tribe. The Administrator shall include this specific cost reduction plan in the annual budget submitted to Congress.

(d) SUNSET.—This section shall have no force or effect on and after the date that is 25 years after the date of the enactment of this Act.

#### SEC. 7. TREATMENT AFTER FUNDS ARE PAID.

(a) USE OF PAYMENTS.—Payments made to the Spokane Business Council or Spokane Tribe under section 5 or 6 may be used or invested by the Business Council in the same manner and for the same purposes as other Spokane Tribe governmental funds.

(b) NO TRUST RESPONSIBILITY OF THE SECRETARY.—Neither the Secretary nor the Administrator shall have any trust responsibility for the investment, supervision, administration, or expenditure of any funds after the date on which the funds are paid to the Spokane Business Council or Spokane Tribe under section 5 or 6.

(c) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments of all funds to the Spokane Business Council and Spokane

Tribe under sections 5 and 6, and the interest and income generated by the funds, shall be treated in the same manner as payments under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 677).

(d) TRIBAL AUDIT.—After the date on which funds are paid to the Spokane Business Council or Spokane Tribe under section 5 or 6, the funds shall—

(1) constitute Spokane Tribe governmental funds; and

(2) be subject to an annual tribal government audit.

#### SEC. 8. REPAYMENT CREDIT.

(a) IN GENERAL.—The Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k)—

(1) in fiscal year 2007, \$2,600,000; and

(2) in each subsequent fiscal year in which the Administrator makes a payment under section 6, \$1,300,000.

(b) CREDITING.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each deduction made under this section shall be—

(A) a credit to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made; and

(B) allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during the fiscal year.

(2) DEDUCTION GREATER THAN AMOUNT OF INTEREST.—If, in any fiscal year, the deduction is greater than the amount of interest due on debt associated with the generation function for the fiscal year, the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during the fiscal year.

(3) CREDIT.—To the extent that a deduction exceeds the total amount of interest described in paragraphs (1) and (2), the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

#### SEC. 9. TRANSFER OF ADMINISTRATIVE JURISDICTION AND RESTORATION OF OWNERSHIP OF LAND.

(a) TRANSFER OF JURISDICTION.—The Secretary shall transfer administrative jurisdiction from the Bureau of Reclamation to the Bureau of Indian Affairs over—

(1) all land acquired by the United States under the Act of June 29, 1940 (16 U.S.C. 835d), that is located within the exterior boundaries of the Spokane Indian Reservation established pursuant to the Executive Order of January 18, 1881; and

(2) all land on the south bank of the Spokane River that—

(A) extends westerly from Little Falls Dam to the confluence of the Spokane River and Columbia River; and

(B) is located at or below contour elevation 1290 feet above sea level.

(b) RESTORATION OF OWNERSHIP IN TRUST.—All land transferred under this section—

(1) shall be held in trust for the benefit and use of the Spokane Tribe; and

(2) shall become part of the Spokane Indian Reservation.

(c) RESERVATION OF RIGHTS.—

(1) IN GENERAL.—The United States reserves a perpetual right, power, privilege, and easement over the land transferred under this section to carry out the Columbia Basin Project under the Columbia Basin Project Act (16 U.S.C. 835 et seq.).

(2) RIGHTS INCLUDED.—The rights reserved under paragraph (1) further include the right

to operate, maintain, repair, and replace boat ramps, docks, and other recreational facilities owned or permitted by the United States and existing on the date of enactment of this Act.

(3) RETENTION OF NATIONAL PARK SYSTEM STATUS.—

(A) IN GENERAL.—Land transferred under this section that, before the date of enactment of this Act, was included in the Lake Roosevelt National Recreation Area shall remain part of the Recreation Area.

(B) ADMINISTRATION.—Nothing in this section affect the authority or responsibility of the National Park Service to administer the Lake Roosevelt National Recreation Area under the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.).

(4) MEMORANDUM OF UNDERSTANDING.—The cognizant agencies of the Department of the Interior shall enter into a memorandum of understanding with the Spokane Tribe to provide for coordination in applying this subsection.

#### SEC. 10. SATISFACTION OF CLAIMS.

Payment by the Secretary under section 5 and the Administrator under section 6 and restoration of ownership of land in trust under section 9 constitute full satisfaction of the claim of the Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project for the past and continued use of land of the Spokane Tribe for the production of hydropower at Grand Coulee Dam.

#### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

#### SEC. 12. PRECEDENT.

Nothing in this Act establishes any precedent or is binding on the Southwestern Power Administration, Western Area Power Administration, or Southeastern Power Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington (Miss MCMORRIS) and the gentleman from California (Mr. CARDOZA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Washington (Miss MCMORRIS).

GENERAL LEAVE

Miss MCMORRIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Miss MCMORRIS. Mr. Speaker, I yield myself such time as I may consume.

I am the author of H.R. 1797, which brings fairness to a long-standing problem. I first want to thank my predecessor, the Congressman from Washington, George Nethercutt, for his hard work on this issue. He first introduced a version of this legislation 6 years ago. It is through the foundation of that bill that I am able to present this piece of legislation today before the House of Representatives.

I would also like to thank my colleagues from the Washington delegation, the gentleman from Washington (Mr. DICKS) and the gentleman from

Washington (Mr. INSLEE). In addition, I would like to thank the gentleman from Michigan (Mr. KILDEE) for his support as well.

When the Grand Coulee Dam was built in the 1930s, the accompanying reservoir inundated key parts of the Spokane Indian Reservation. Due to a number of circumstances, the Spokane Tribe has never had the opportunity to pursue monetary claims as a result of these land damages. Rather than focusing on litigation, the tribe has instead worked for many years to bring about a legislative solution.

The bill authorizes Federal funding to compensate the Spokane Tribe for land damages. Since this nonlegal settlement is unique, these payments are sunsetted. The bill also seeks to protect electricity ratepayers by requiring the Bonneville Power Administration to cut costs to make up for the payments to the tribe. As a result, Congress does not expect the Federal Government to use this legislation as any reason for a rate increase.

Mr. Speaker, this bill has bipartisan support and is the result of lengthy discussions for over a decade. I commend the parties for their hard work and commitment to bringing this solution, and urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CARDOZA asked and was given permission to revise and extend his remarks.)

Mr. CARDOZA. Mr. Speaker, the Democrats on the Committee on Resources support the passage of H.R. 1797, which will provide a fair and equitable financial settlement for the Spokane Tribe of Indians. H.R. 1797 will provide the Spokane Tribe of Indians with compensation which will be proportional to the compensation provided to the Colville Tribes through enactment of Public Law 103-436, the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act.

Our only concern with H.R. 1797 is the included sunset language in section 6 of the bill. As noted in the additional views filed with the committee report on this bill, however, the Spokane Tribe has agreed to the sunset provision in the bill with the understanding that in the future the tribe may seek an amendment to extend or modify the sunset provision or otherwise seek reauthorization of the Bonneville Power Administration's annual payments after the year 2030.

With this understanding, and in the interest of moving the legislation forward and thereby providing long overdue relief to this tribe, we do not object to the inclusion of the sunset provision in the bill, and urge passage of the bill.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time.

Miss McMORRIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Miss McMORRIS) that the House suspend the rules and pass the bill, H.R. 1797.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### SUPPORTING GOALS OF NATIONAL MARINA DAY AND URGING MARINAS CONTINUE PROVIDING ENVIRONMENTALLY FRIENDLY GATEWAYS TO BOATING

Mr. COBLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 308) supporting the goals of National Marina Day and urging marinas continue providing environmentally friendly gateways to boating.

The Clerk read as follows:

#### H. RES. 308

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States, one of the Nation's greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word "marina" to describe a recreational boating facility;

Whereas the United States is home to more than 12,000 marinas that contribute substantially to local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the marinas of the United States provide communities and visitors with a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation; and

Whereas the Marina Operators Association of America has designated August 13, 2005 as "National Marina Day" to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to communities: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals of National Marina Day; and

(2) urges that the marinas of the United States continue to provide environmentally friendly gateways to boating for the people of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 308 was introduced by the distinguished gentleman from Washington (Mr. DICKS) and co-sponsored by the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Tennessee (Mr. WAMP).

□ 1530

This resolution recognizes August 13, 2005, as National Marina Day. This resolution acknowledges the significant contributions that marinas provide to so many of our local waterfront communities.

There are over 12,000 marinas, Mr. Speaker, in the United States, and these facilities serve as a place where people who share a passion for the water can come together to enjoy our Nation's oceans, lakes and rivers. Marinas also serve as stewards of the environment and actively seek to protect the waterways that surround them.

Many Members of this body represent districts in which recreational boating plays an important role in the lives of many of our constituents, and marinas provide an easy access point for citizens who wish to enjoy our Nation's coasts and waterways.

This resolution highlights the importance of marinas and their role in promoting recreational boating and in connecting people to the water. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume. I thank my friend from North Carolina for managing this bill. We refer to him as the maitre d' of marinas in the House, so I thank the gentleman from North Carolina.

Mr. COBLE. I thank the gentleman from California.

Mr. FILNER. Mr. Speaker, there are 12,000 marinas in the United States providing safe harbor for millions of recreational vessels that operate on the lakes and navigable waters of the United States. This includes boat yards, yacht clubs, and public and private moorings across our country. Marinas in the United States provide employment for more than 140,000 of our citizens. But perhaps most importantly, marinas provide a means for millions of Americans to relax and enjoy themselves boating.

National Marina Day is a time to celebrate the history of marinas and boating and to look to the future of this vibrant industry. National Marina Day activities across the United States will include environmental demonstrations, youth center events, fishing rodeos, boating safety demonstrations, and marina open houses. This day is going to be celebrated from Maine to Florida; from Maryland to my hometown of San Diego, California.

Marina owners are working closely, also, with the United States Coast Guard to step up vigilance at their facilities to improve security on our waterways. This includes being on the watch for any suspicious activities; attempts to gain access to vehicles without proper identification; looking out for any fixtures attached to structures; keeping an eye out for unusual diving operations; and watching out for vehicles and vessels in unusual locations.